

Sweet/T

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JOSHUA FERENC, Individually, and On
Behalf of All Others Similarly Situated,

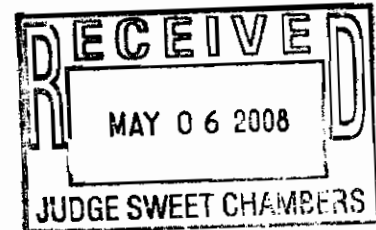
Plaintiff,

v.

E*TRADE FINANCIAL
CORPORATION, MITCHELL H.
CAPLAN and ROBERT J. SIMMONS,

Defendants.

No. 07-cv-10540-RWS



PLAINTIFF'S NOTICE OF VOLUNTARY DISMISSAL

PLEASE TAKE NOTICE that whereas none of the defendants have served an answer or motion for summary judgment, plaintiff Joshua Ferenc hereby voluntarily dismisses this action as to all defendants, without prejudice pursuant to Rule 41(a)(1) of the Federal Rules of Civil Procedure, each side to bear its own costs.

Dated: May 5, 2008

GARDY & NOTIS, LLP

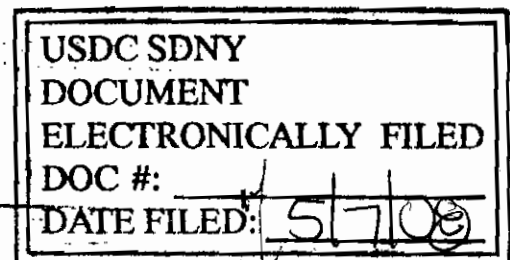
By: 

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Counsel for plaintiff Joshua Ferenc

So ordered
Sweet/T
5-6-08



CERTIFICATE OF SERVICE

The undersigned certifies that on May 5, 2008, he caused a true and correct copy of the foregoing to be mailed by First Class U.S. Mail to counsel of record as follows:

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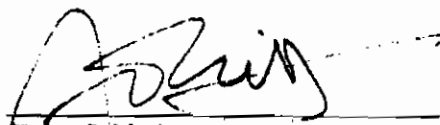
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